IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4468 OF 2004

Shantinath B. Ugare ... Petitioner

v/s

Shri Parshwanath D. Jain ... Respondent

Mr Vasant Shelkar i/b M/s Divekar and Co. for Petitioner.

None for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 15TH JUNE 2005.

P.C. :-

1. The Appeal Court has modified the order passed by the Trial Court because the Appeal Court has found that the plaintiff has not made a clear statement that he was in possession of the premises which was transferred by the defendant No.1 in favour of the defendant No.2 Trust. The learned counsel appearing for petitioner is not in a position to point out a clear statement made by the plaintiff anywhere that he was in possession even of the rooms which were transferred by defendant No.1 to defendant No.2. I do not think that the order impugned has resulted in any failure of justice and this Court should interfere under Article 227 of the Constitution of India. It is further to be seen here that the temporary injunction in the modified form is operating from 10th January 2003. In my opinion, due to passage of this long time, it will not be appropriate to this Court to interfere with the order at this late stage. Petition is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.